

To: Honored Chairs and Distinguished Members of the Energy and Technology Committee

From: Juliet Cain, 81 Locust Hill Rd, Darien, CT 06820

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Thank you for this opportunity to submit testimony on Raised Bill H.B. 5116 *THE CREATION OF UTILITY COMPANY TREE-PLANTING FUNDS*.

I am in support of H.B. 5116 and, while I think there are ways in which it could be improved, I believe a bill of this kind is essential and long overdue. The [State Vegetation Management Task Force](#) report of *20 years ago*, suggested use of utility funds to assist municipalities with certain tree issues. More recently the [PRFCT Future Report](#) (Policy on Resilient Forests for Connecticut's Future), recommended a system of mitigation by utilities to compensate for tree loss resulting from their vegetation management.

My suggestions for improving H.B. 5116 are:

(i) Increase/remove the \$15,000 "per project" cap. This number is low given the cost of trees. Applications for funds would presumably be made over a sustained period and only by municipalities in which the utility has previously worked, so that demand is already somewhat contained. The proportionality requirement of 1(f) ought to be sufficient to preclude any unfairness in allocation and is itself a form of cap. It should in any event be made clear that a "project" can carry over from year to year in order to ensure it can be completed, notwithstanding any specified caps or implicit limits due to proportionality requirements. Additionally, thought might be given as to whether municipalities should separately itemize purchase, planting *and maintenance* costs so that sufficient funds are reserved for after-care. This, too, would argue for increasing or removing the cap to help ensure success of the program.

(ii) Remove the limitation in 1(e). Removing this limitation would allow plantings at the site on which the utility's tree removal was carried out. The environmental, safety, aesthetic and other problems created by the utility's vegetation management need to be remediated by plantings on site. If the utility is not to be held responsible for this remediation, there is no reason not to allow funds under this program to be used by municipalities for this purpose, consistent with the utility's "right tree, right place" requirements and constraints. These requirements and constraints are limitation enough on the level of remediation that can be effected on site.

(iii) Remove the requirement in 1(d) that all trees are to be planted on publicly owned land open to the public. This restriction seems unnecessarily limiting for no reason and removing it could allow planting in locations selected by the municipality based on the greatest need. As drafted, the law could arbitrarily prevent the municipality from addressing issues of environmental justice. The municipalities themselves are best placed to make a determination

as to where trees are needed, and they should be given the flexibility to make that determination.

(iv) Add a requirement that all trees planted under this program be native trees. The creation of habitat and consequent improvement in biodiversity that would result from the use of native trees that are more pest and disease resistant, and require less water and fertilizer than non-native trees, would only serve to enhance the environmental effect of this bill and the success of the program.

(v) Add a savings clause to the effect that this bill is not intended to change any legal and regulatory restrictions on vegetation management by utilities. The bill cannot be viewed by utilities as now permitting more aggressive vegetation management.

Finally, while I am in support of this bill, I hope it is not viewed as a solution to the issues caused by continuing to allow our electric distribution and communication wires to remain overhead. This bill is pragmatic in the circumstances and is currently necessary, but we should not lose sight of the fact that it is required because we continue to rely on an outdated and unreliable system of infrastructure.

Thank you for considering my comments.

Juliet Cain